

1894-081
Lee Co.

Chancery Causes: Henry R. Tomlinson vs. Malissa Tomlinson

Testuman, Muncy, Anderson, Wygal

CA-Divorce
T-Migration

1 To the Hon H. R. Morrison Judge of
2 the circuit court of la Co 7th

3 Humbly complaining your orator Henry
4 R. Tomlinson a citizen of la Co 7th would
5 respectfully show unto your honor that on
6 or about the day of 1887 he inter-
7 married with Malicia Terstman and under
8 such marriage lived in peace with his said
9 wife for a short period of time, to wit
10 about 3 months, when for no cause
11 (orth for any cause whatever, as unknown
12 cause to you ~~Orator~~) she willingly and of
13 her own volition ^{abandoned} left and deserted your
14 said Orator with out any cause what
15 ever - and has since and doth until now re-
16 fuse to live ^{with} and act as a wife unto your
17 said Orator leaving the county and state
18 in which your said Orator now lives and
19 did live at the time of his said marriage
20 to the said Malicia Terstman, (now Mal-
21 licia Tomlinson.

22 Your orator would now further state
23 to your honor that from the time of
24 the desertion of my said wife of me
25 in the year 1887 up to the filing of this
26 ~~bill~~ your Orators bill he has never lived
27 associated or cohabited ^{or in any wise associated} with his said wife, as
28 ~~such man husband & wife~~ ^{as should be} under the laws of Va

29 Your Orator would now state to your
30 honor that he is advised that under the
31 laws of Va he has just ^{cause of} complaint ^{of his said wife} and that
32 the same is cognizable only by a court of

1 equity; and that he is entitled to a divorce
2 A vinculo Matrimonii. The prayer of your
3 orator therefore is that your honor take cog-
4 nizance of his cause and that the said
5 Malicia Lesterman be made a party
6 defendant to this bill and that an order
7 of publication be made as to Malicia
8 Lesterman, she being a nonresident of
9 the State of Va., and that she be re-
10 quired to appear at the ¹⁸⁹⁴ next rules
11 of your honor's court, and answer this
12 bill fully, but not on oath. And that
13 upon a hearing of this cause ~~adhere~~
14 a decree granting your orator a divorce
15 from the bonds of Matrimony, ^{that is} now in
16 existence and existing between your orator
17 and Malicia Lesterman party defendant in
18 this bill be annulled ^{annulled} vacated and set
19 aside - and may all such general
20 and special relief ~~for~~ by your honor award-
21 ed & may Commonwealth Spa Issue
22 ~~be~~ directed &c

Morgan, Jackson O'Brien

P. C.

1st Deer 1893

Henry R. Lomblin

U.S. } Bill Emory
for Moore

Malicia Lomblin

Morgan, Jackson & Blankenship,
P. 9.

1893 1st Deer Rules Bill
Filed affidavit for O.P.
order Pub & Contd.

" 2nd Deer Rules Contd.

1894 1st 2 Jan'y Rules "

" 1st Feb'y Rules order
sub-computed and
cause set for hearing
by Plff.

" March Term Deers
final O B 5-64

26.01

Depo 3.50

At 15.00

Pr 5.00

29.51

1890 to 1900

H. B. Lomblinson
vs ~~B~~ Bill for divorce

Malice Lomblinson

This cause came on this day to be heard upon the Bill and exhibits filed there with, and was argued by counsel, and the Plff's bill being taken for confessed, and it appearing of Record that the deft Malice Lomblinson having cohabited her said Husband more than 5 years prior to the institution of this suit, It is therefore adjudged ordered and decreed, that the bonds of Matrimony now existing be and ^{procedural} hereby are dissolved, annulled and set aside, and it appearing to said Court that the grounds of divorce in this case was wholly upon the grounds of desertion, as provided for in the existing laws of Va & that being properly proven, it is therefore further ordered, adjudged & decreed, that ~~upon the payment of all costs in this suit~~, the ~~parties~~ bonds of matrimony are dissolved, and each restored to their original rights, with the privilege of again marrying and the cause is stricken from the docket.

H. R. Tomlinson
75 } Bruce No 11

Malicia Tomlinson

EOB Page 564

Mar 9th 1894

Enter This
March 8th 1894.

H. S. K. M.

Hurly R. Touchinson
 v.s.-

In Chy.

Malicia Touchinson

The deposition of W. H. L. Murray
 and others taken before me
 on this the 13th day of July 1894
 to be read in a case in the Circuit
 Court of the Co. v. a. by, H. R. Touchinson
 Com. Plaintiff and Malicia
 Touchinson Defendant.

H. L. Murray
 50th P.O.

Inlie Anderson
 50th P.O.
 Rosa W. Anderson
 J. P. S. for P.O.

W. H. L. Murray, first witness
 of lawful age being duly sworn
 in before me and says -

Just 1st

Are you acquainted with H. R.
 Touchinson & Malicia his wife
 & if so how long have you known
 them

Ans.

I am acquainted with H. R.
 Touchinson & his wife Malicia
 have known them for some six or
 eight years.

Just 2nd

Do you remember about the time
 H. R. Touchinson & Malicia his wife
 was married? and state all you know
 as to the marriage & separation of the
 parties

Ans.

Some time in the fall of 1887

I think about the month of November 1887. Some time in April following she left the house of H. R. Tomlinson and I think she went in to the State of Texas.

Just 5th. Do you know any cause for her deserting, Her Husband H. R. Tomlinson, and was he ~~he~~ not kind to her as a husband?

Ans. I do not. He was kind to her his said wife so far as I knew. I was their family physician frequently at their house and saw no fault or action from Mr. Tomlinson to justify the act of desertion upon the part of his said wife Malice Tomlinson and upon my part I believe her act of desertion of the said H. R. Tomlinson as wife of him the said H. R. Tomlinson was wholly without cause or desire of him the said H. R. Tomlinson.

Just 4th By Plff.

Was Mr. H. R. Tomlinson at the time of the said desertion of

a man of means and able to sup-
port his wife and children -
and did not his wife, ~~then~~
immediately go to the state of
Tenn. after said ~~deceased~~.

Ans.

Mr Tomlinson was a man of
means, able to support and
provide for a wife, and did so
so far as my knowledge.

But immediately upon the deces-
tion of Malicie Tomlinson his
said wife, she went into the
State of Tennessee and this
has been from the time
of her said marriage to said
H. R. Tomlinson been more than
five years. And further this
deponent doth ^{swear} that

J. H. L. Muncy

~~Julie~~ Anderson another witness of
said age deposes and says -

Just at By Plff.

do you know when H. R. Tom-
linson & Malicia his wife was married -

Ans.

I don't remember as to the time

Just - do you know when Mr H. R.
Tomlinson & his wife parted, and

What was the cause of the separation?

Ans.

I think they were married in the year 1887. She left in the Spring of 1888. And went into the State of Tennessee. I know of no cause she had to leave or desert. The said H. R. Tomlinson her husband at all.

Just 2nd

By P. Off. Since the time of the desertion of the said Malicia Tomlinson has she and J. S. P. Tomlinson ^{Malicia} ever lived as man and wife?

Ans.

They have not.

And further this deponent saith not.
Julio W. Sullivan

Rosa Mygal an other witness of lawful age after being duly sworn deposes and says.

Just 3rd By Off.

Do you know H. R. Tomlinson and Malicia his wife?

Ans.

I do

Just

Do you know who Malicia the wife of the said H. R. Tomlinson

(37)

deserted her said husband
if so please state it =

ans

April 15th 1888

Just 4 By same -

so you know any cause
she had for the desertion of
her said husband (O. R. Tomlinson
and was he not kind to her, and
did he not act the faithful
part of a husband -!

Answer -

I do not know of any.
He was good and kind to her.
He the said H. R. Tomlinson acted
the part of a true kind and
faithful husband. I lived in
the house of the said H. R. Tomlinson
& wife at the time of the marriage
and continuously until the time of
her the said Malice Tomlinson's
desertion, and know that their
act of desertion upon her part
was free and voluntary with
out any cause of the said H. R.
Tomlinson. And further this
defendant saith not.
Ross Wygal

H. R. Tomlinson, Virginia Lee Co to wit:

T.S. - { Dechy. Pursuant to notice by advertisement
Malissa Tomlinson. ~~long between a portion of the county, &c~~
The depositions of H. L. Muncy and
Judy Anderson. Rosa mygal whose
names appear in the foregoing
depositions this day personally
appeared before me ~~and~~ and
after being duly sworn
give ~~the facts~~ made oath to
the foregoing facts in their
depositions. Feb. 13th 1894
W. A. Owens J. C.

Henry R. Tomlinson

Depositions

Malissa Tomlinson

Received by mail Feb
the 14th 1894 and filed on
the 14th of Feb 1894

A. B. Muncy
Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee on the *26th* day of *November* 18*93*

Henry R. Lomblinson Plaintiff
against

Malissa Lomblinson Defendant

The object of this suit is to *dissolve the bonds*

of Matrimony now existing between the parties

And an affidavit having been made and filed that the defendant *Malissa Lomblinson* is

not a resident of the State of Virginia, it is ordered that *she* do appear here, within *fifteen days*

after due publication hereof, and do what may be necessary to protect *her* interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County Republican*, and that a copy be posted at the front door of the court-house of this *County* on the first day of the next term of the *County* Court.

A copy—Teste:

M. V. J. + 80 p. q. *J. A. Syatt* Clerk.
Morgan, Jackson & Blankenship.

son

Henry R. Loublier

U.S.

ORDER OF
PUBLICATION.

Malissa Loublier

Nov. 25. 1893.

I A. B. Munsey clerk of
the circuit court, do certify
that it delivered to the Lee
County Republican, the with
in order on the 25th day
of November 1893 for publica-
tion, and posted a copy
thereof at the front door of
the court house at the
January Term 1894 of
the county court

A. B. Munsey
clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

844
142
986

against

Henry R. Soublinson

Plaintiff

vs *Chey*

Malissa Soublinson

Defendant

This day *Henry R. Soublinson* personally appeared
before me, *J. M. Syatt Deputy* Clerk of the said Court,
and being duly sworn, made oath that *Malissa Soublinson*

defendant in the said suit *is* not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this *25th* day of *January*

1890

J. M. Syatt D.C.

Henry R. Lumbblason

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Malissa Lumbblason

Morgan,

Blankenship & Johnson

In the Clerk's Office of the Circuit Court of the county of Lee on the 25th day of November 1893.

Henry R. Tomblinson PTF }
against } In Ch'cy
Malissa Tomblinson Def.

The object of this suit is to dissolve the bonds of matrimony now existing between the parties.

And an affidavit having been made and filed that the defendant Malissa Tomblinson is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the LEE COUNTY REPUBLICAN and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the county court. A copy—Teste:

J. A. G. HYATT D. Clerk

Morgan, Jackson & Blankeuship, p. q.

5 C-11

Va. L. Co. to wit:

I Alf Dryden one of The Publishers of The ~~Lee~~ Lee County Republican, a weekly News Paper published in The Town of Jonesville Lee Co Va., do Certify That the above Order of Publication appeared in the said Paper for four successive weeks, ending Jan'y 11th 1894.

Alf Dryden. One of Publishers

Subscribed & sworn to before me this 11th day of Jan'y 1894.

A.R. Tombleson
v.s. } Order Publication
Malissia Tombleson

In the Clerk's Office of the Circuit Court of the county of Lee on the 25th day of November 1893.

Henry R. Tomblinson Plff }
against } In Ch'cy.
Malissa Tomblinson Deft }

The object of this suit is to dissolve the bonds of matrimony now existing between the parties.

And an affidavit having been made and filed that the defendant Malissa Tomblinson is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the LEE COUNTY REPUBLICAN and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the county court. A copy—Teste:

J. A. G. HYATT D. Clerk
Morgan, Jackson & Blankenship, p. q.

56-It

J. W. P. Dryden & Sons publishers
of the Lee Co Republican a
weekly newspaper published
in the town of Jonesville
county of Lee, and State
of Virginia, do hereby
certify that the foregoing
Order of Publication was
duly published in the
above named paper
for four successive
weeks, ending the 1st
Feb'y 1894
Sam. S. Dryden.

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